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(41)  
11-13-02  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY YORDY,  
Plaintiff

v.

SCOTT BROWN, PAUL EVANKO,  
BERON F. STEAGER, AND BARRY L.  
BRINSER, et al.,  
Defendants

No. 1:01-CV-0206

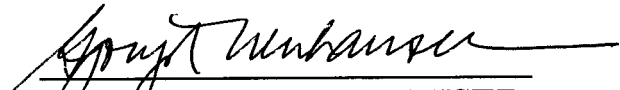
(Judge Kane)

MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION FOR  
LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT

For the reasons outlined in the accompanying motion, the Court should exercise its discretion to grant leave to defendant Evanko to file a motion for summary judgment in this action. See Trustees of University of Pennsylvania v. Lexington Ins. Co., 815 F.2d 890, 911 n. 17 (3d Cir. 1987).

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

By:   
**GREGORY R. NEUHAUSER**  
Senior Deputy Attorney General

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**DATE: November 12, 2002**

**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RANDY YORDY,**  
**Plaintiff**

**v.**

**SCOTT BROWN, PAUL EVANKO,**  
**BERON F. STEAGER, AND BARRY L.**  
**BRINSER, et al.,**  
**Defendants**

**:**  
**:**  
**:** **No. 1:01-CV-0206**  
**:**  
**:** **(Judge Kane)**  
**:**

**CERTIFICATE OF SERVICE**

I, **GREGORY R. NEUHAUSER**, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **November 12, 2002**, I caused to be served a true and correct copy of the foregoing document **Memorandum in Support of Defendants' Motion for Leave to File Motion for Summary Judgment**, by depositing it in the United States mail, first-class postage prepaid to the following:

Spero T. Lappas, Esquire  
Serratelli, Schiffman, Brown and Calhoon, P.C.  
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**GREGORY R. NEUHAUSER**  
**Senior Deputy Attorney General**